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17 Patrol) and Sergio Flores

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19 **UNITED STATES DISTRICT COURT**  
20 **SOUTHERN DISTRICT OF CALIFORNIA**

21

22 JACOB GREGOIRE,

23 Plaintiff,

24 v.

25 CALIFORNIA HIGHWAY PATROL, an  
agency of the State of California;  
26 SERGIO FLORES, and DOES 1 to 20,

27 Defendants.

28 CASE NO. 14-cv-1749-GPC (DHB)

**JOINT MOTION TO FILE UNDER  
SEAL PLAINTIFF'S OPPOSITION  
TO SUMMARY JUDGMENT  
PURSUANT TO LOCAL RULE 79.2  
AND THE COURT'S PROTECTIVE  
ORDER**

1 Pursuant to Local Rule 79.2 and the Protective Order entered in this case on  
 2 July 30, 2015, the parties jointly submit to the Court this Motion to File Under Seal  
 3 Plaintiff's Opposition to Summary Judgment and all supporting documents.

4 **ARGUMENT**

5 California Government Code § 832.7 explicitly states personnel records of a  
 6 peace officer are confidential. The Government Code has mandated confidentiality of  
 7 complaints by the public made against law enforcement officers. In this case, the  
 8 court ordered that the personnel file of the officer be kept confidential. The parties in  
 9 this matter agreed to a Protective Order to comply with the rules set forth in the  
 10 California Government Code as well as the right to privacy of the litigants. The  
 11 parties then petitioned this Honorable Court to seal certain private matters including  
 12 but not limited to the personnel file of the defendant officer. On July 30, 2015 the  
 13 Court set forth a detailed Order (See Exhibit 1) that specified which documents would  
 14 be held under seal. The Court's order included the defendant's deposition, CHP  
 15 personnel file, Internal Affairs and Expert Witness Declaration that included sealed  
 16 records.

17 Plaintiff's Opposition to Defendant's Motion for Summary Judgment includes  
 18 protected excerpts from the deposition of Sergio Flores. Additionally, the Plaintiff's  
 19 Opposition includes sealed exhibits to Flores' deposition. Lastly, plaintiff's expert  
 20 Roger Clark has referenced citizen complaints in his Declaration that were obtained  
 21 from the California Highway Patrol in conjunction with this Court's Protective Order.

22 The sensitive information involved in this motion has been ruled on by this  
 23 honorable Court and conforms with statutory requirements of the California  
 24 Government Code. The parties have agreed that for the purposes of this motion that  
 25 the sealing of Plaintiff's Opposition to Defendant's Motion for Summary Judgment  
 26 will not prejudice either party.

27 A party faced with the disclosure of confidential or proprietary information may  
 28 seek to file the documents under seal to avoid this exposure. See *Kamakana v. City &*

*Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).

Defendants' joinder in this motion is not intended as a concession of the admissibility of the evidence that Plaintiff intends to introduce in support of his opposition to Defendants' Motion for Summary Judgment. Defendants intend to file appropriate objections to the admissibility of such evidence.

For the reasons contained in this motion, the Declaration of Thomas D. Luneau, and the attached Protective Order, there is good cause to seal Plaintiff's Opposition to Summary Judgment and all supporting documents.

Respectfully submitted,

Dated: January 19, 2016 THE GILLEON LAW FIRM

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Dated: January 19, 2016

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Richard F. Wolfe  
Supervising Deputy Attorney General

s/Douglas Baxter  
Douglas Baxter, Deputy Attorney  
General, Attorneys for Defendants State of  
California (by and through the California  
Highway Patrol) and Sergio Flores

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**SIGNATURE CERTIFICATION**  
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6 Pursuant to section 2(f)(4) of the Electronic Case Filing Administrative Policies  
7 and Procedures Manual, I hereby certify that the content of this document is  
8 acceptable to the signatories herein, and that I have obtained their authorization to  
9 affix electronic signature to this document.

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11                   /s/Thomas D. Luneau  
12                   Thomas D. Luneau (SBN 145804)

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